

Citation

46-656.01

Act, how cited.

Sections 46-656.01 to 46-656.43 shall be known and may be cited as the Nebraska Ground Water Management and Protection Act.

[Editor's note: Only the numbering in this section will be changed]

Intent

46-656.02 ***(will include intent language with Task Force recommendations)***

Declaration of intent and purpose.

The Legislature finds that ownership of water is held by the state for the benefit of its citizens, that ground water is one of the most valuable natural resources in the state, and that an adequate supply of ground water is essential to the general welfare of the citizens of this state and to the present and future development of agriculture in the state. The Legislature recognizes its duty to define broad policy goals concerning the utilization and management of ground water and to ensure local implementation of those goals. The Legislature also finds that natural resources districts have the legal authority to regulate certain activities and, except as otherwise specifically provided by statute, as local entities are the preferred regulators of activities which may contribute to ground water depletion.

Every landowner shall be entitled to a reasonable and beneficial use of the ground water underlying his or her land subject to the provisions of Chapter 46, article 6, and the Nebraska Ground Water Management and Protection Act and the correlative rights of other landowners when the ground water supply is insufficient for all users. The Legislature determines that the goal shall be to extend ground water reservoir life to the greatest extent practicable consistent with beneficial use of the ground water and best management practices.

The Legislature further recognizes and declares that the management, protection, and conservation of ground water and the beneficial use thereof are essential to the economic prosperity and future well-being of the state and that the public interest demands procedures for the implementation of management practices to conserve and protect ground water supplies and to prevent the contamination or inefficient or improper use thereof.

The Legislature recognizes the need to provide for orderly management systems in areas where management of ground water is necessary to achieve locally determined ground water management objectives and where available data, evidence, or other information indicates that present or potential ground water conditions, including subirrigation conditions, require the designation of areas with special regulation of development and use.

The Legislature recognizes that ground water use or surface water use in one natural resources district may have adverse effects on water supplies in another district

or in an adjoining state. The Legislature intends and expects that each natural resources district within which water use is causing external impacts will accept responsibility for ground water management in accordance with the Nebraska Ground Water Management and Protection Act in the same manner and to the same extent as if the conflicts between ground water use and surface water use were contained within the district. [Formerly 656.06]

Nothing in the Nebraska Ground Water Management and Protection Act relating to the contamination of ground water is intended to limit the powers of the Department of Environmental Quality provided in Chapter 81, article 15.

[Editor's note: This section merges 656.02 and 656.06 and will add intent language from the task force proposal]

Findings

(Merges sections 656.03 and 656.05 and will include modifications to include findings recommended by Task Force)

46-656.03

Management area; legislative findings.

The Legislature finds that:

(a)(1) The management, conservation, and beneficial use of hydrologically connected ground water and surface water are essential to the continued economic prosperity and well-being of the state, including the present and future development of agriculture in the state;

(2) Hydrologically connected ground water and surface water may need to be managed differently from unconnected ground water and surface water in order to permit equity among water users and to optimize the beneficial use of interrelated ground water and surface water supplies;

(3) Natural resources districts already have significant legal authority to regulate activities which contribute to declines in ground water levels and to nonpoint source contamination of ground water and are the preferred entities to regulate, through ground water management areas, ground water related activities which are contributing to or are, in the reasonably foreseeable future, likely to contribute to conflicts between ground water users and surface water appropriators or which may be necessary in order to resolve disputes over interstate compacts or decrees, or to carry out the provisions of other formal state contracts or agreements;

(4) The Department of Natural Resources is responsible for regulation of surface water resources and local surface water project sponsors are responsible for much of the structured irrigation utilizing surface water supplies, and these entities should be responsible for regulation of surface water related activities which contribute to such conflicts or provide opportunities for such dispute resolution;

(5) The department, following review and concurrence of need by the Interrelated Water Review Committee of the Nebraska Natural Resources Commission, should also be given authority to regulate ground water related activities to mitigate or eliminate

disputes over interstate compacts or decrees or difficulties in carrying out the provisions of other formal state contracts or agreements if natural resources districts do not utilize their ground water management authority in a reasonable manner to prevent or minimize such disputes or difficulties; and

(6) All involved natural resources districts, the department, and surface water project sponsors should cooperate and collaborate on the identification and implementation of management solutions to such conflicts or provide opportunities for mitigation or elimination of such disputes or difficulties. [Formerly 656.05]

(b)(1) The levels of nitrate nitrogen and other contaminants in ground water in certain areas of the state are increasing;

(2) Long-term solutions should be implemented and efforts should be made to prevent the levels of ground water contaminants from becoming too high and to reduce high levels sufficiently to eliminate health hazards;

(3) Agriculture has been very productive and should continue to be an important industry to the State of Nebraska;

(4) Natural resources districts have the legal authority to regulate certain activities and, as local entities, are the preferred regulators of activities which may contribute to ground water contamination in both urban and rural areas;

(5) The Department of Environmental Quality should be given authority to regulate sources of contamination when necessary to prevent serious deterioration of ground water quality;

(6) The powers given to districts and the Department of Environmental Quality should be used to stabilize, reduce, and prevent the increase or spread of ground water contamination; and

(7) There is a need to provide for the orderly management of ground water quality in areas where available data, evidence, and other information indicate that present or potential ground water conditions require the designation of such areas as management areas.

[Editor's note: This section merges 656.03 and 656.05 and will include modifications resulting from the Task Force recommendations]

Definitions

Was 46-656.07, now 656.04 (define several terms - TBD; include definitions for specific word usage in Task Force recommendations. Will change to put in alphabetical order. For example, define replacement wells, transfers and beneficial use)

46-656.04

Terms, defined.

For purposes of the Municipal and Rural Domestic Ground Water Transfers Permit Act, the Nebraska Ground Water Management and Protection Act, and sections 46-601 to 46-613.02, 46-636, 46-637, and 46-651 to 46-655, unless the context otherwise requires:

(1) Person shall mean a natural person, a partnership, a limited liability company, an association, a corporation, a municipality, an irrigation district, an agency or a political subdivision of the state, or a department, an agency, or a bureau of the United States;

(2) Ground water shall mean that water which occurs in or moves, seeps, filters, or percolates through ground under the surface of the land;

(3) Contamination or contamination of ground water shall mean nitrate nitrogen or other material which enters the ground water due to action of any person and causes degradation of the quality of ground water sufficient to make such ground water unsuitable for present or reasonably foreseeable beneficial uses;

(4) District shall mean a natural resources district operating pursuant to Chapter 2, article 32;

(5) Illegal water well shall mean (a) any water well operated or constructed without or in violation of a permit required by the Nebraska Ground Water Management and Protection Act, (b) any water well not in compliance with rules and regulations adopted and promulgated pursuant to the act, (c) any water well not properly registered in accordance with sections 46-602 to 46-604, or (d) any water well not in compliance with any other applicable laws of the State of Nebraska or with rules and regulations adopted and promulgated pursuant to such laws;

(6) To commence construction of a water well shall mean the beginning of the boring, drilling, jetting, digging, or excavating of the actual water well from which ground water is to be withdrawn;

(7) Management area shall mean any area so designated by a district pursuant to section 46-656.09, by the Director of Environmental Quality pursuant to section 46-656.16, or by a district and the department pursuant to section 46-656.10. Management area shall include a control area or a special ground water quality protection area designated prior to July 19, 1996;

(8) Management plan shall mean a ground water management plan developed by a district and submitted to the Director of Natural Resources for review pursuant to sections 46-656.12 to 46-656.15;

(9) Ground water reservoir life goal shall mean the finite or infinite period of time which a district establishes as its goal for maintenance of the supply and quality of water in a ground water reservoir at the time a ground water management plan is adopted;

(10) Board shall mean the board of directors of a district;

(11) Irrigated acre shall mean any acre that is certified as such pursuant to rules and regulations of the district and that is actually capable of being supplied water through irrigation works, mechanisms, or facilities existing at the time of the allocation;

(12) Acre-inch shall mean the amount of water necessary to cover an acre of land one inch deep;

(13) Subirrigation or subirrigated land shall mean the natural occurrence of a ground water table within the root zone of agricultural vegetation, not exceeding ten feet below the surface of the ground;

(14) Best management practices shall mean schedules of activities, maintenance procedures, and other management practices utilized to prevent or reduce present and future contamination of ground water which may include irrigation scheduling, proper rate and timing of fertilizer application, and other fertilizer and pesticide management programs. In determining the rate of fertilizer application, the district shall consult with

the University of Nebraska or a certified crop advisor certified by the American Society of Agronomy;

(15) Point source shall mean any discernible, confined, and discrete conveyance, including, but not limited to, any pipe, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, vessel, other floating craft, or other conveyance, over which the Department of Environmental Quality has regulatory authority and from which a substance which can cause or contribute to contamination of ground water is or may be discharged;

(16) Allocation shall mean the allotment of a specified total number of acre-inches of irrigation water per irrigated acre per year or an average number of acre-inches of irrigation water per irrigated acre over any reasonable period of time;

(17) Rotation shall mean a recurring series of use and nonuse of irrigation wells on an hourly, daily, weekly, monthly, or yearly basis;

(18) Water well shall have the same meaning as in section 46-601.01;

(19) Surface water project sponsor shall mean an irrigation district created pursuant to Chapter 46, article 1, a reclamation district created pursuant to Chapter 46, article 5, or a public power and irrigation district created pursuant to Chapter 70, article 6; and

(20) Order for purposes of this act, except as otherwise specifically provided herein, shall include any order required by the act, rule and regulation or other decision adopted by a district by vote of the board of directors of said district taken at any regularly or specially scheduled meeting of the board.

[Editor's note: This section will be changed to include words defined in Task Force recommendation and listed alphabetically]

Powers/Actions

Was 46-656.08, now 656.05 (merges 656.08 and 656.11 and will include additional powers created in the Task Force recommendations)

46-656.05

Natural resources district; powers; enumerated; action to control or prevent runoff of water; natural resources district; rules and regulations; power to issue cease and desist orders; notice; hearing. .

Regardless of whether or not any portion of a district has been designated as a management area, in order to administer and enforce the Nebraska Ground Water Management and Protection Act and to effectuate the policy of the state to conserve ground water resources, a district may:

- (1) Adopt and promulgate rules and regulations necessary to discharge the administrative duties assigned in the act;
- (2) Require such reports from ground water users as may be necessary;
- (3) Require meters to be placed on any water wells for the purpose of acquiring water use data;

(4) Conduct investigations and cooperate or contract with agencies of the United States, agencies or political subdivisions of this state, public or private corporations, or any association or individual on any matter relevant to the administration of the act;

(5) Report to and consult with the Department of Environmental Quality on all matters concerning the entry of contamination or contaminating materials into ground water supplies; and

(6) In order to conserve ground water supplies and to prevent the inefficient or improper runoff of such ground water, require that each person who uses ground water irrigation in the state shall take action to control or prevent the runoff of water used in such irrigation.

(7) Each district shall adopt, following public hearing, notice of which shall be given in the manner provided in section 46-656.33, rules and regulations necessary to control or prohibit surface runoff of water derived from ground water irrigation. Such rules and regulations shall prescribe (a) standards and criteria delineating what constitutes the inefficient or improper runoff of ground water used in irrigation, (b) procedures to prevent, control, and abate such runoff, (c) measures for the construction, modification, extension, or operation of remedial measures to prevent, control, or abate runoff of ground water used in irrigation, and (d) procedures for the enforcement of this section.

(8) Issue cease and desist orders, following ten days' notice to the person affected stating the contemplated action and in general the grounds for the action and following reasonable opportunity to be heard, to enforce any of the provisions of the act or of orders or permits issued pursuant to the act, to initiate suits to enforce the provisions of orders issued pursuant to the act, and to restrain the construction of illegal water wells or the withdrawal or use of water from illegal water wells.

(9)(Add any additional powers created in Task Force recommendations)

[Editor's note: This section will merge 656.08 and 656.11 and will include additional powers created in the Task Force recommendations]

Groundwater Management Plan

Was 46-656.12 to 46-656.18, now 46-656.06 to 46-656.08 (merge, delete and revise 656.12 to 46.656.18 and the first sentence of 656.22; also modify to reflect that all NRD's have management plans and change sections to address modification and implementation)

46-656.06

Ground water management plan; maintenance and implementation required; contents; management area designation; when.

(a) Each district shall maintain and implement a ground water management plan based upon the best available information and such plan shall be reviewed and approved by the Director of Natural Resources. The plan shall include, but not be limited to, the identification to the extent possible of:

- (1) Ground water supplies within the district including transmissivity, saturated thickness maps, and other ground water reservoir information, if available;
- (2) Local recharge characteristics and rates from any sources, if available;
- (3) Average annual precipitation and the variations within the district;
- (4) Crop water needs within the district;
- (5) Current ground water data-collection programs;
- (6) Past, present, and potential ground water use within the district;
- (7) Ground water quality concerns within the district;
- (8) Proposed water conservation and supply augmentation programs for the district;
- (9) The availability of supplemental water supplies, including the opportunity for ground water recharge;
- (10) The opportunity to integrate and coordinate the use of water from different sources of supply;
- (11) Ground water management objectives, including a proposed ground water reservoir life goal for the district. For management plans adopted or revised after July 19, 1996, the ground water management objectives may include any proposed integrated management objectives for hydrologically connected ground water and surface water supplies but a management plan does not have to be revised prior to the adoption or implementation of a joint action plan pursuant to section 46-656.10;
- (12) Existing subirrigation uses within the district;
- (13) The relative economic value of different uses of ground water proposed or existing within the district; and
- (14) The geographic and stratigraphic boundaries of any proposed management area.

If the expenses incurred by a district preparing a ground water management plan exceed twenty-five percent of the district's current budget, the district may make application to the Nebraska Resources Development Fund for assistance.

(b) If a control area, management area, or special ground water quality protection area has been designated in a district prior to July 19, 1996, the area shall be designated a management area but the district shall not be required to adopt or amend its existing rules, regulations, action plan, or ground water management plan, due to that change in designation, for the geographical area of the district included in such control area, management area, or special ground water quality protection area. A district may change references from control area or special ground water quality protection area to management area without holding a public hearing. Before taking any action described in the remainder of this section, a district shall hold a public hearing within the district. Notice of the hearing shall be given as provided in section 46-656.33. If the changes made by Laws 1996, LB 108 [*and Task Force legislation*], require substantive changes to the district's rules, regulations, or plans, the district shall enact appropriate amendments to such rules, regulations, or plans. A district in which a special ground water quality protection area was designated prior to July 19, 1996, shall insure compliance with section 46-656.30. A district in which a control area, management area,

or special ground water quality protection area was designated prior to July 19, 1996, may adopt any of the controls permitted by section 46-656.29.

(c) Prior to January 1, 1996, each district shall amend its ground water management plan to identify to the extent possible the levels and sources of ground water contamination within the district, ground water quality goals, long-term solutions necessary to prevent the levels of ground water contaminants from becoming too high and to reduce high levels sufficiently to eliminate health hazards, and practices recommended to stabilize, reduce, and prevent the occurrence, increase, or spread of ground water contamination. Notwithstanding the restrictions provided in section 46-656.22, each district may modify its plan to include (1) any agreements between the district and state or federal agencies entered into as part of the review process conducted pursuant to section 46-656.14 and (2) any conditions imposed by the Director of Natural Resources during such review process. If a special ground water quality protection area has been designated in a district as of September 6, 1991, or if the study required by section 46-656.36 or 46-656.50 recommends the designation of a management area, the district shall not be required to amend its plan for the geographical area encompassed by the special protection or management area. [Formerly 46-656.16]

46-656.07

Ground water management plan preparation; district; solicit and utilize information.

Modification of a district's ground water management plan or ground water management objectives may be accomplished utilizing the procedures set forth in this section and sections 46-656.06 and 46-656.08. During preparation of a modification to a ground water management plan, the district shall actively solicit public comments and opinions and shall utilize and draw upon existing research, data, studies, or any other information which has been compiled by or is in the possession of state or federal agencies, natural resources districts, or any other subdivision of the state. State agencies, districts, and other subdivisions shall furnish information or data upon the request of any district preparing such a plan. A district shall not be required to initiate new studies or data-collection efforts or to develop computer models in order to prepare a plan.

46-656.08

Ground water management plan; director review; disapproved by director; duties.

(a) The Director of Natural Resources shall review any modification to a ground water management plan submitted by a district to ensure that the best available studies, data, and information, whether previously existing or newly initiated, were utilized and considered and that such modification to the plan is supported by and is a reasonable application of such information. If a management area is proposed and the primary purpose of the proposed management area is protection of water quality, the director shall consult with the Department of Environmental Quality regarding approval or denial of the management plan. The director shall consult with the Conservation and Survey Division of the University of Nebraska and such other state or federal agencies

the director shall deem necessary when reviewing plans. Within ninety days after receipt of a plan, the director shall transmit his or her specific findings, conclusions, and reasons for approval or disapproval to the district submitting the plan.

(b) If the Director of Natural Resources disapproves a modification to a ground water management plan, the district which submitted the plan shall, in order to establish a management area, submit to the director either the original or a revised plan with an explanation of how the original or revised plan addresses the issues raised by the director in his or her reasons for disapproval. Once a district has submitted an explanation pursuant to this section, such district may proceed to schedule a hearing pursuant to section 46-656.33.

[DELETE THE FOLLOWING TWO SECTIONS]

46-656.17

District; failure to have or amend ground water management plan; effect on funding.

(1) Any district which fails to comply with section 46-656.16 shall be ineligible to receive for fiscal year 1996-97 any funds appropriated pursuant to sections 77-27,136 and 77-27,137.02.

(2) Any district which fails to have an approved ground water management plan pursuant to sections 46-656.12 to 46-656.16 by January 1, 1996, shall become eligible to receive funds enumerated in subsection (1) of this section for any subsequent fiscal year if the district has an approved ground water management plan pursuant to sections 46-656.12 to 46-656.16 by the March 1 immediately preceding the start of such fiscal year.

46-656.18

District; implementation of ground water management plan; duty.

Each district shall, on or before January 1, 1997, begin implementation of an approved ground water management plan pursuant to sections 46-656.12 to 46-656.16 which specifically addresses ground water quality.

[Editor's note: This will change sections .12, .13, .14 and .15 to reflect that all NRDs have GWM plans; this will also delete sections .16, .17 and .18 as they appear to be no longer necessary]

Management area (quantity)

Was 46-656.19(except notice and publication requirements); 46-656.20; 46-656.22 (second, third and fourth sentences); now 46-656.09 (merge area designation sections .19, .20, and .22)

46-656.09

Management area; establishment; when; hearing; notice; modifications; dissolution; procedure.

(a) Prior to proceeding toward establishing a management area for quantity or quality purposes not otherwise required under 46-656.10, the Director of Natural Resources shall have approved a management plan or the district shall have completed the requirements of section 46-656.08. If necessary to determine whether a management area should be designated, the district may initiate new studies and data-collection efforts and develop computer models. In order to establish a management area, the district shall fix a time and place for a public hearing to consider the management plan information supplied by the director and to hear any other evidence pursuant to the requirements of 46-656.33.

(b) Within ninety days after the hearing the district shall determine whether a management area shall be designated. (1) If the district determines that no management area shall be established, the district shall issue an order to that effect. (2) If the district determines that a management area shall be established, the district shall by order designate the area as a management area and adopt one or more controls authorized by section 46-656.29 to be utilized within the area in order to achieve the ground water management objectives specified in the plan. Such an order shall include a geographic and stratigraphic definition of the area. The area designated by the order shall not include any area not included in the notice of the hearing. The boundaries and controls shall take into account any considerations brought forth at the hearing and administrative factors directly affecting the ability of the district to implement and carry out local ground water management. The controls adopted shall not include controls substantially different from those set forth in the notice of the hearing.

(c) Modification of the boundaries of a district-designated management area or dissolution of such an area shall be in accordance with the procedures established in this section. Hearings for such modifications or for dissolution may not be initiated more often than once a year. Modification of controls also may be accomplished using the procedure in this section.

[Editor's note: These changes merge area designation sections .19, .20, and .22]

Integrated management area

Was sections 46-656.28; 46-656.49 to 46-656.61, now section 46.656.10 (as revised by Task Force recommendations)

46-656.10

Integrated management

[Editor's note: This section will be the changes recommended by the Task Force]

Management area (quality)

Was 46-656.04 and 46-656.35 to 46-656.48, now 46-656.11 to 46-656.24; (renumbers sections and removes publication and notice requirements where appropriate and moves them to a universal notice/publication section for both quantity and quality areas)

46-656.11

Management area; sections, how construed.

Nothing in sections 46-656.12 to 46-656.24 shall be construed to limit the powers of the Department of Health and Human Services Regulation and Licensure provided in the Nebraska Safe Drinking Water Act.

46-656.12

Management area; reports required.

Each state agency and political subdivision shall promptly report to the Department of Environmental Quality any information which indicates that contamination is occurring.

46-656.13

Management area; Department of Environmental Quality; conduct study; when; report.

If, as a result of information provided pursuant to section 46-656.12 or studies conducted by or otherwise available to the Department of Environmental Quality and following preliminary investigation, the Director of Environmental Quality makes a preliminary determination (1) that there is reason to believe that contamination of ground water is occurring or likely to occur in an area of the state in the reasonably foreseeable future and (2) that the natural resources district or districts in which the area is located have not designated a management area or have not implemented adequate controls to prevent such contamination from occurring, the department shall, in cooperation with any appropriate state agency and district, conduct a study to determine the source or sources of the contamination and the area affected by such contamination and shall issue a written report within one year of the initiation of the study. During the study, the department shall consider the relevant water quality portions of the management plan developed by each district pursuant to sections 46-656.06 to 46-656.08, whether the district has designated a management area encompassing the area studied, and whether the district has adopted any controls for the area.

46-656.14

Management area; contamination; point source; Director of Environmental Quality; duties.

If the Director of Environmental Quality determines from the study conducted pursuant to section 46-656.13 that one or more sources of contamination are point sources, he or she shall expeditiously use the procedures authorized in the Environmental Protection Act to stabilize or reduce the level and prevent the increase or spread of such contamination.

46-656.15

Management area; contamination; not point source; Director of Environmental Quality; duties; hearing; notice.

(a) If the Director of Environmental Quality determines from the study conducted pursuant to section 46-656.13 that one or more sources of contamination are not point sources and if a management area, a purpose of which is protection of water quality, has been established which includes the affected area, the Director of Environmental Quality shall consider whether to require the district which established the management area to adopt an action plan as provided in sections 46-656.16 to 46-656.19.

(b) If the Director of Environmental Quality determines that one or more of the sources are not point sources and if such a management area has not been established or does not include all the affected area, he or she shall, within thirty days after completion of the report required by section 46-656.13, consult with the district within whose boundaries the area affected by such contamination is located and fix a time and place for a public hearing, pursuant to section 46.656.33, to consider the report, hear any other evidence, and secure testimony on whether a management area should be designated or whether an existing area should be modified. The hearing shall be held within one hundred twenty days after completion of the report. At the hearing, all interested persons shall be allowed to appear and present testimony. The Conservation and Survey Division of the University of Nebraska, the Department of Health and Human Services Regulation and Licensure, the Department of Natural Resources, and the appropriate district may offer as evidence any information in their possession which they deem relevant to the purpose of the hearing. After the hearing and after any studies or investigations conducted by or on behalf of the Director of Environmental Quality as he or she deems necessary, the director shall determine whether a management area shall be designated.

46-656.16

Management area; designation or modification of boundaries; adoption of action plan; considerations; procedures; order.

(1) When determining whether to designate or modify the boundaries of a management area or to require a district which has established a management area, a purpose of which is protection of water quality, to adopt an action plan for the affected area, the Director of Environmental Quality shall consider:

(a) Whether contamination of ground water has occurred or is likely to occur in the reasonably foreseeable future;

(b) Whether ground water users, including, but not limited to, domestic, municipal, industrial, and agricultural users, are experiencing or will experience within the foreseeable future substantial economic hardships as a direct result of current or reasonably anticipated activities which cause or contribute to contamination of ground water;

(c) Whether methods are available to stabilize or reduce the level of contamination;

(d) Whether, if a management area has been established which includes the affected area, the controls adopted by the district pursuant to section 46-656.29 as administered and enforced by the district are sufficient to address the ground water quality issues in the management area; and

(e) Administrative factors directly affecting the ability to implement and carry out regulatory activities.

(2) If the Director of Environmental Quality determines that no such area should be established, he or she shall issue an order declaring that no management area shall be designated.

(3) If the Director of Environmental Quality determines that a management area shall be established, that the boundaries of an existing management area shall be modified, or that the district shall be required to adopt an action plan, he or she shall consult with relevant state agencies and with the district or districts affected and determine the boundaries of the area, taking into account the effect on political subdivisions and the socioeconomic and administrative factors directly affecting the ability to implement and carry out local ground water management, control, and protection. The report by the Director of Environmental Quality shall include the specific reasons for the creation of the management area or the requirement of such an action plan and a full disclosure of the possible causes.

(4) When the boundaries of an area have been determined or modified, the Director of Environmental Quality shall issue an order designating the area as a management area, specifying the modified boundaries of the management area, or requiring such an action plan. Such an order shall include a geographic and stratigraphic definition of the area.

46-656.17

Management area quality; action plan; preparation by district; when; hearing; notice; publication.

(1) Within one hundred eighty days after the designation of a management area or the requiring of an action plan for a management area, a purpose of which is protection of water quality, the district or districts within whose boundaries the area is located shall prepare an action plan designed to stabilize or reduce the level and prevent the increase or spread of ground water contamination. Whenever a management area or the affected area of such a management area encompasses portions of two or more districts, the responsibilities and authorities delegated in

this section shall be exercised jointly and uniformly by agreement of the respective boards of all districts so affected.

(2) Within thirty days after an action plan has been prepared, a public hearing on such plan shall be held by the district in reasonable proximity to the area to be affected, pursuant to section 46-656.33.

(3) Within thirty days after the hearing, the district shall adopt and submit an action plan to the Department of Environmental Quality.

(4) An action plan filed by a district pursuant to this section shall include the specifics of an educational program to be instituted by the district to inform persons of methods available to stabilize or reduce the level or prevent the increase or spread of ground water contamination.

(5) The action plan shall include one or more of the controls authorized by section 46-656.29.

46-656.18

Management area; action plan; contents.

An action plan filed by a district pursuant to section 46-656.17 shall include the specifics of an educational program to be instituted by the district to inform persons of methods available to stabilize or reduce the level or prevent the increase or spread of ground water contamination. The action plan shall include one or more of the controls authorized by section 46-656.29.

46-656.19

Management area; adoption or amendment of action plan; considerations; procedures.

(1) In adopting or amending an action plan authorized by subsection (2) of this section, the district's considerations shall include, but not be limited to, whether it reasonably appears that such action will mitigate or eliminate the condition which led to designation of the management area or the requirement of an action plan for a management area or will improve the administration of the area.

(2) The Director of Environmental Quality shall approve or deny the adoption or amendment of an action plan within one hundred twenty days after the date the plan is submitted by the district. He or she may hold a public hearing to consider testimony regarding the action plan prior to the issuance of an order approving or disapproving the adoption or amendment. In approving the adoption or amendment of the plan in such an area, considerations shall include, but not be limited to, those enumerated in subsection (1) of this section.

(3) If the director denies approval of an action plan by the district, the order shall list the reason the action plan was not approved. A district may submit a revised action plan within sixty days after denial of its original action plan to the director for approval subject to section 46-656.21.

46-656.20

Management area; district; duties.

Each district in which a management area has been designated or an action plan for a management area has been required pursuant to section 46-656.16 shall, in cooperation with the Department of Environmental Quality, establish a program to monitor the quality of the ground water in the area and shall if appropriate provide each landowner or operator of an irrigation system with current information available with respect to fertilizer and chemical usage for the specific soil types present and cropping patterns used.

46-656.21

Management area; director specify controls; when; powers and duties; hearing.

(1) The power to specify controls authorized by section 46-656.29 shall vest in the Director of Environmental Quality if (a) at the end of one hundred eighty days following the designation of a management area or the requiring of an action plan for a management area pursuant to section 46-656.16, a district encompassed in whole or in part by the management area has not completed and adopted an action plan, (b) a district does not submit a revised action plan within sixty days after denial of its original action plan, or (c) the district submits a revised action plan which is not approved by the director.

(2) If the power to specify controls in such a management area is vested in the Director of Environmental Quality, he or she shall within ninety days adopt and promulgate by rule and regulation such measures as he or she deems necessary for carrying out the intent of the Nebraska Ground Water Management and Protection Act. He or she shall conduct one or more public hearings prior to the adoption of controls. Notice of any such additional hearings shall be given in the manner provided in section 46-656.33. The enforcement of controls adopted pursuant to this section shall be the responsibility of the Department of Environmental Quality.

46-656.22

Management area; controls; duration; amendment of plan.

The controls in the action plan approved by the Director of Environmental Quality pursuant to section 46-656.19 shall be exercised by the district for the period of time necessary to stabilize or reduce the level of contamination and prevent the increase or spread of ground water contamination. An action plan may be amended by the same method utilized in the adoption of the action plan.

46-656.23

Management area; removal of designation or requirement of action plan; modification of boundaries; when.

A district may petition the Director of Environmental Quality to remove the director's designation of the area as a management area or the requirement of an action plan for a management area or to modify the boundaries of a management area designated pursuant to section 46-656.16. If the director determines that the level of

contamination in a management area has stabilized at or been reduced to a level which is not detrimental to beneficial uses of ground water, he or she may remove the designation or action plan requirement or modify the boundaries of the management area.

46-656.24

Management area; Environmental Quality Council; adopt rules and regulations.

The Environmental Quality Council shall adopt and promulgate, in accordance with the Administrative Procedure Act, such rules and regulations as are necessary to the discharge of duties under sections 46-656.12 to 46-656.23.

[Editor's note: These changes renumbers sections and removes publication and notice requirements where appropriate and moves them to a universal notice/publication section for both quantity and quality areas]

NRD controls

Was 46-656.24 to 46.656.27 and 46.656.29 to 46.656.32, now 46-656.25 to 46.656.32. (Moves and renumber sections and new.29 will be revised to include controls recommended by Task Force; also renumbers permit sections .29, .30, .31 and .32; and makes permit sections universal for both non-integrated, integrated and quality management areas)

46-656.25

Construct water well in a management area; permit required; application; form; fee; contents; late permit application; fee.

(1) Any person who intends to construct a water well in a management area in this state on land which he or she owns or controls shall, before commencing construction, apply with the district in which the water well will be located for a permit on forms provided by the district, except that (a) no permit shall be required for test holes or dewatering wells with an intended use of ninety days or less, (b) no permit shall be required for a single water well designed and constructed to pump fifty gallons per minute or less, and (c) a district may provide by rule and regulation that a permit need not be obtained for water wells defined by the district to be replacement water wells. A district may require a permit for a water well designed and constructed to pump fifty gallons per minute or less if such water well is commingled, combined, clustered, or joined with any other water well or wells or other water source, other than a water source used to water range livestock. Such wells shall be considered one water well and the combined capacity shall be used as the rated capacity. A district may by rule and regulation require that a permit be obtained for each water well or for one or more categories of water wells designed and constructed to pump fifty gallons per minute or less, other than a water source required for human needs as it relates to health, fire control, and sanitation or used to water range livestock, in ground water management

areas in which regulations have been imposed to control declining ground water levels. Forms shall be made available at each district in which a management area is located, in whole or in part, and at such other places as may be deemed appropriate. The district shall review such application and issue or deny the permit within thirty days after the application is filed.

(2) A person shall apply for a permit under this section before he or she modifies a water well for which a permit was not required under subsection (1) of this section into one for which a permit would otherwise be required under such subsection.

(3) The application shall be accompanied by a fifty-dollar filing fee payable to the district and shall contain (a) the name and post office address of the applicant or applicants, (b) the nature of the proposed use, (c) the intended location of the proposed water well or other means of obtaining ground water, (d) the intended size, type, and description of the proposed water well and the estimated depth, if known, (e) the estimated capacity in gallons per minute, (f) the acreage and location by legal description of the land involved if the water is to be used for irrigation, (g) a description of the proposed use if other than for irrigation purposes, (h) the registration number of the water well being replaced if applicable, and (i) such other information as the district requires.

(4) Any person who has failed or in the future fails to obtain a permit required by subsection (1) or (2) of this section shall make application for a late permit on forms provided by the district.

(5) The application for a late permit shall be accompanied by a two-hundred-fifty-dollar fee payable to the district and shall contain the same information required in subsection (3) of this section.

46-656.26

Permit; when denied; corrections allowed; fees nonrefundable.

An application for a permit or late permit for a water well in a management area shall be denied only if the district in which the water well is to be located finds (1) that the location or operation of the proposed water well or other work would conflict with any regulations or controls adopted by the district, (2) that the proposed use would not be a beneficial use of water, or (3) in the case of a late permit only, that the applicant did not act in good faith in failing to obtain a timely permit.

If the district finds that the application is incomplete or defective, it shall return the application for correction. If the correction is not made within sixty days, the application shall be canceled. All permits shall be issued with or without conditions attached or denied not later than thirty days after receipt by the district of a complete and properly prepared application.

A permit issued shall specify all regulations and controls adopted by a district relevant to the construction or utilization of the proposed water well. No refund of any application fees shall be made regardless of whether the permit is issued, canceled, or denied. The district shall transmit one copy of each permit issued to the Director of Natural Resources.

46-656.27

Issuance of permit; no right to violate rules, regulations, or controls.

The issuance by the district of a permit pursuant to section 46-656.26 or registration of a water well by the Director of Natural Resources pursuant to section 46-602 shall not vest in any person the right to violate any district rule, regulation, or control in effect on the date of issuance of the permit or the registration of the water well or to violate any rule, regulation, or control properly adopted after such date.

46-656.28

Issuance of permit; commence construction and complete water well within one year; failure; effect.

When any permit is approved pursuant to section 46-656.26, the applicant shall commence construction as soon as possible after the date of approval and shall complete the construction and equip the water well prior to the date specified in the conditions of approval, which date shall be not more than one year after the date of approval, unless it is clearly demonstrated in the application that one year is an insufficient period of time for such construction. If the applicant fails to complete the project under the terms of the permit, the district may withdraw the permit.

46-656.29

Management area; controls authorized; procedure.

- (1) A district in which a management area has been designated shall by order adopt one or more of the following controls for the management area:
 - (a) It may determine the permissible total withdrawal of ground water for each day, month, or year and allocate such withdrawal among the ground water users;
 - (b) It may adopt a system of rotation for use of ground water;
 - (c) It may adopt well-spacing requirements more restrictive than those found in sections 46-609 and 46-651;
 - (d) It may require the installation of devices for measuring ground water withdrawals from water wells;
 - (e) It may adopt a system which requires reduction of irrigated acres pursuant to subsection (2) of section 46-656.30;
 - (f) It may limit or prevent the expansion of irrigated acres;
 - (g) It may require the use of best management practices;
 - (h) It may require the analysis of water or deep soils for fertilizer and chemical content;
 - (i) It may provide educational requirements, including mandatory educational requirements, designed to protect water quality or to stabilize or reduce the incidence of ground water depletion, conflicts between ground water users and surface water appropriators, disputes over interstate compacts or decrees, or difficulties fulfilling the provisions of other formal state contracts or agreements;
 - (j) It may require water quality monitoring and reporting of results to the district for all water wells within all or part of the management area;

(k) It may close all or a portion of the management area to the issuance of additional permits or may condition the issuance of additional permits on compliance with other rules and regulations adopted and promulgated by the district to achieve the purpose or purposes for which the management area was designated. This subdivision may be implemented whenever the district determines the impact on surface water supplies or the depletion or contamination of the ground water supply in the management area or any portion of the management area cannot be protected through implementation of reasonable controls specified in subdivisions (1)(a) through (1)(j) of this section; and

(l) It may adopt and promulgate such other reasonable rules and regulations as are necessary to carry out the purpose for which a management area was designated.

(m) *(Add Task Force recommended controls)*

(2) In adopting, amending, or repealing any control authorized by subsection (1) of this section or sections 46-656.30 and 46-656.31, the district's considerations shall include, but not be limited to, whether it reasonably appears that such action will mitigate or eliminate the condition which led to designation of the management area or will improve the administration of the area.

(3) Upon request by the district, the Director of Natural Resources shall review and comment on the adoption, amendment, or repeal of any authorized control in a management area. The director may hold a public hearing to consider testimony regarding the control prior to commenting on the adoption, amendment, or repeal of the control. The director shall consult with the district and fix a time, place, and date for such hearing. In reviewing and commenting on an authorized control in a management area, the director's considerations shall include, but not be limited to, those enumerated in subsection (2) of this section.

(4) If because of varying ground water uses, varying surface water uses, different irrigation distribution systems, or varying climatic, hydrologic, geologic, or soil conditions existing within a management area the uniform application throughout such area of one or more controls would fail to carry out the intent of the Nebraska Ground Water Management and Protection Act in a reasonably effective and equitable manner, the controls adopted by the district pursuant to this section may contain different provisions for different categories of ground water use or portions of the management area which differ from each other because of varying climatic, hydrologic, geologic, or soil conditions. Any differences in such provisions shall recognize and be directed toward such varying ground water uses or varying conditions. Except as otherwise provided in this section, the provisions of all controls for different categories of ground water use shall be uniform for all portions of the area which have substantially similar climatic, hydrologic, geologic, and soil conditions.

(5) The district may establish different water allocations for different irrigation distribution systems.

(6)(a) The district may establish different provisions for different hydrologic relationships between ground water and surface water; (b) For management areas a purpose of which is the integrated management of hydrologically connected ground water and surface water, the district may establish different provisions for water wells constructed before the designation of a management area for integrated management of hydrologically connected ground water and surface water and for

water wells constructed on or after the designation date or any other later date or dates established by the district; (c) For a management area in a basin or part of a basin that is or was the subject of litigation over an interstate water compact or decree in which the State of Nebraska is a named defendant, the district may establish different provisions for restriction of water wells constructed after January 1, 2001, if such litigation was commenced before or on May 22, 2001. If such litigation is commenced after May 22, 2001, the district may establish different provisions for restriction of water wells constructed after the date on which such litigation is commenced in federal court. An appeal from a decision of the district under this subdivision shall be in accordance with the hearing procedures established in the Nebraska Ground Water Management and Protection Act; (d) The district shall make a replacement water well as defined in section 46-602, or as further defined in district rules and regulations, subject to the same provisions as the water well it replaces.

(7) If the district has included controls delineated in subdivision (1)(k) of this section in its management plan, but has not implemented such controls within two years after the initial public hearing on the controls, the district shall hold a public hearing, as provided in section 46-656.33, regarding the controls before implementing them.

(8) Whenever a management area designated under section 46-656.16 or 46-656.10 encompasses portions of two or more districts, the responsibilities and authorities delegated in this section and sections 46-656.30 and 46-656.31 shall be exercised jointly and uniformly by agreement of the respective boards of all districts so affected. Whenever management areas designated by two or more districts adjoin each other, the districts are encouraged to exercise the responsibilities and authorities jointly and uniformly by agreement of the respective boards.

(9) For the purpose of determining whether conflicts exist between ground water users and surface water appropriators, surface water appropriators under the Nebraska Ground Water Management and Protection Act does not include holders of instream flow appropriations under sections 46-2,107 to 46-2,119.

46-656.30

Ground water allocation; limitations and conditions.

(1) If allocation is adopted for use of ground water for irrigation purposes in a management area, the permissible withdrawal of ground water shall be allocated equally per irrigated acre except as permitted by subsections (4) through (6) of section 46-656.29. Such allocation shall specify the total number of acre-inches that are allocated per irrigated acre per year, except that the district may allow a ground water user to average his or her allocation over any reasonable period of time. A ground water user may use his or her allocation on all or any part of the irrigated acres to which the allocation applies or in any other manner approved by the district.

(2) If annual rotation or reduction of irrigated acres is adopted for use of ground water for irrigation purposes in a management area, the nonuse of irrigated acres shall be a uniform percentage reduction of each landowner's irrigated acres within the management area or a subarea of the management area. Such uniform reduction may be adjusted for each landowner based upon crops grown on his or her land to reflect the varying consumptive requirements between crops.

46-656.31

District; review controls.

A district may review any allocation, rotation, or reduction control imposed in a management area and shall adjust allocations, rotations, or reductions to accommodate new or additional uses or otherwise reflect findings of such review, consistent with the ground water management objectives. Such review shall consider new development or additional ground water uses within the area, more accurate data or information that was not available at the time of the allocation, rotation, or reduction order, the availability of supplemental water supplies, any changes in ground water recharge, and such other factors as the district deems appropriate.

46-656.32

Transport of ground water; prohibited; when.

(1) Whenever a natural resources district pursuant to subsection (16) of section 46-656.28 (*part of 656.10 Task Force recommendation*) has temporarily suspended the drilling of new wells in all or part of the district, ground water withdrawn outside the affected area shall not be transported for use inside such area unless (a) such withdrawal and transport began before the temporary suspension took effect, (b) the water is used solely for domestic purposes, or (c) such withdrawal and transport is approved in advance by the district imposing the temporary suspension and, if the water is withdrawn in another natural resources district, by the other district.

(2) Whenever a natural resources district pursuant to subdivision (1)(k) of section 46-656.29 has closed all or part of the district to the issuance of additional well permits, ground water withdrawn outside the affected area shall not be transported for use inside such area unless (a) such withdrawal and transport began before the affected area was closed to the issuance of additional well permits, (b) the water is used solely for domestic purposes, or (c) such withdrawal and transport is approved in advance by the district that closed the affected area to additional well permits and, if the water is withdrawn in another natural resources district, by the other district.

[Editor's note: These changes moves and renumbers sections and new section .29 will be revised to include controls recommended by Task Force; also renumbers old permit sections .29, .30, .31 and .32; and makes permit sections universal for both non-integrated, integrated and quality management areas]

Notice/Publication/Hearing

Were sections 46-656.09, 46-656.19, 46-656.21, 46-656.38 (publication and notice requirement), 46-656.40, and 46.656.43, now sections 46-656.33 and 656.34 (combines notice and publication requirements into one notice and publication standard; renumbers sections)

46-656.33

Natural resources district; management area; rules and regulations; public hearing required; notice.

(a) Before any rule or regulation is adopted pursuant to section 46-656.05, a public hearing shall be held within the district. Notice of the hearing shall be given as provided in sub-section (b).

(b) Any public hearing required under the Groundwater Management and Protection Act shall meet the following requirements: (1) The hearing shall be located within or in reasonable proximity to the area proposed for designation as a management area or affected by the proposed rule or regulation; (2) Notice of the hearing shall be published at the expense of the district in a newspaper published or of general circulation in the area involved at least once each week for three consecutive weeks, the last publication to be not less than seven days prior to the hearing; (3) As to the designation of a management area, adoption or amendment of an action plan or adoption or amendment of controls, the notice shall provide, as applicable, a general description of: (A) the contents of the plan, (B) the area which will be considered for inclusion in the management area, and (C) a general description of all controls proposed for adoption or amendment by the district and shall identify all locations where a copy of the full text of the proposed plan or controls may be obtained; (4) For all other rules and regulations the notice shall provide a general description of the contents of the rules and regulations proposed for adoption or amendment by the district and shall identify all locations where a copy of the full text of the proposed rules and regulations may be obtained; (5) The full text of all controls, rules or regulations shall be available to the public upon request not later than the date of first publication; (6) All interested persons shall be allowed to appear and present testimony; (7) The hearing shall include testimony of a representative of the Department of Natural Resources and, if the primary purpose of the proposed management area is protection of water quality, of the Department of Environmental Quality and shall include the results of any studies or investigations conducted by the district.

46-656.34

Order; publication; effective; when.

The district shall cause a copy of any order adopted pursuant to sections 46-656.09, 46-656.10, and 46.656.19 to be published once each week for three consecutive weeks in a local newspaper published or of general circulation in the area involved, the last publication of which shall be not less than seven days prior to the date set for the effective date of the order. The publication shall provide a general description of the text of all controls adopted or amended by the district and shall identify all locations where a copy of the full text of the proposed controls may be obtained. The full text of all controls adopted shall be available to the public upon request at least thirty days prior to the effective date of the controls.

Such order shall become effective on the date specified by the district.

[Editor's note: These changes combine notice and publication requirements into one notice and publication standard; renumbers sections]

Consultations

Was section 46-656.23, now section 46-656.35. (renumbers section)

46-656.35

Natural resources district; consult underground water storage permitholders; when.

A district shall, prior to adopting or amending any rules and regulations for a management area, consult with any holders of permits for intentional or incidental underground water storage and recovery issued pursuant to section 46-226.02, 46-233, 46-240, 46-241, 46-242, or 46-297.

[Editor's note: This section is renumbered]

Enforcement/Penalties

Was sections 46.656.10 and 46-656.63, now sections 46.656.36 to 46.656.37. (Renumbers enforcement sections and will add provision to allow NRD to reduce allocations/certified acres as penalty for violating non-integrated, integrated or quality groundwater management areas controls)

46-656.36

Natural resources district; cease and desist order; violation; penalty; Attorney General; duties; Department of Justice Natural Resources Enforcement Fund; created; use; investment.

(1) Any person who violates a cease and desist order issued by a district pursuant to section 46-656.05 shall be subject to a civil penalty of not less than one thousand dollars and not more than five thousand dollars for each day an intentional violation occurs. In assessing the amount of the civil penalty, the court shall consider the degree and extent of the violation, the size of the operation, whether the violator has been previously convicted or subjected to a civil penalty under this section, and any economic benefit derived from noncompliance. Any civil penalty assessed and unpaid shall constitute a debt to the state which may be collected in the manner of a lien foreclosure or sued for and recovered in a proper form of action in the name of the state in the district court of the county in which the violator resides or owns property. The court shall, within thirty days after receipt, remit the civil penalty to the State Treasurer for credit to the permanent school fund.

(2)(a) Prior to issuing a cease and desist order against a public water supplier as defined in section 46-638, the district shall consult with the Attorney General. If the Attorney General determines that the district does not have sufficient grounds to issue a cease and desist order, the district shall abide by such determination and shall not issue a cease and

desist order. The Attorney General shall have exclusive authority to enforce actions under this subsection; (b) any determination as to whether water well is properly registered under sections 46-602 to 46-604 or whether a water well is properly permitted under the Municipal and Rural Domestic Ground Water Transfers Permit Act shall be made by the Department of Natural Resources.

(3) When the Attorney General, a county attorney, or a private attorney brings an action on behalf of a district to recover a civil penalty under this section, the district shall recover the costs of the action if a civil penalty is awarded. Any recovered costs of the action shall be: (a) Remitted to the State Treasurer for credit to the Department of Justice Natural Resources Enforcement Fund if the action is brought by the Attorney General; (b) credited to the applicable county fund if the action is brought by the county attorney; and (c) remitted to the district if the action is brought by the district's private attorney.

(4) The Department of Justice Natural Resources Enforcement Fund is created. The fund shall consist of money credited pursuant to subsection (3) of this section. Money in the fund shall be used to reimburse the office of the Attorney General for the costs incurred in enforcing this section. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

46-656.37

Management area; violation; civil penalty.

(a) Any person who violates any controls, rules or regulations adopted by a district relating to a management area shall be subject to having any allocation of water granted or irrigated acres certified by the district reduced in whole or in part. (Need to add notice/hearing and rules and regulations requirement)

(b) Any person who violates any of the provisions of sections 46-656.01 to 46-656.36 for which a penalty is not otherwise provided, other than the requirements imposed on a district, the Director of Natural Resources, or the Department of Natural Resources, shall be subject to a civil penalty of not more than five hundred dollars. Each day of continued violation shall constitute a separate offense.

[Editor's note: These changes renumbers enforcement sections and will add provision to allow NRD to reduce allocations/certified acres as penalty for violating non-integrated, integrated or quality groundwater management areas controls]

Appeal

Were sections 46-656.64 to 46-656.66, now sections 46.656.38 to 46.656.40. (clarify what can be appealed, for example order, rules & regulations, board actions by adding definition of order in section 46.656.04)

46-656.38

Hearings; subject to review.

All hearings conducted pursuant to the Nebraska Ground Water Management and Protection Act shall be of record and available for review.

46-656.39

Administration of act; compliance with other laws.

In the administration of the Nebraska Ground Water Management and Protection Act, all actions of the Director of Environmental Quality, the Director of Natural Resources, and the districts shall be consistent with the provisions of section 46-613.

46-656.40

Appeal; procedure.

Any person aggrieved by any order of the district, the Director of Environmental Quality, or the Director of Natural Resources issued pursuant to the Nebraska Ground Water Management and Protection Act may appeal the order. The appeal shall be in accordance with the Administrative Procedure Act.

[Editor's note: These changes clarify what can be appealed, for example order, rules & regulations, board actions by adding definition of order in section 46.656.04]

Funds

Was 46-656.33 and 46-656.67, now 46.656.41 and 46.656.43 (Renumbers sections and includes any funds created pursuant to Task Force recommendations)

46-656.41

Director of Natural Resources; rules and regulations; Ground Water Management Fund; created; use; investment.

All fees paid to the Director of Natural Resources in accordance with the terms of the Nebraska Ground Water Management and Protection Act shall be paid into the Ground Water Management Fund which is hereby created and which shall be administered by the director. Any money credited to the fund may be utilized by the director for payments of expenses incurred in the administration of the act. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

46-656.42

Interrelated Water Management Fund; created; use; investment.

The Interrelated Water Management Fund is created. The State Treasurer shall credit to the fund, for the purpose of conducting studies to determine the cause of current or potential conflicts between ground water users and surface water

appropriators, disputes over interstate compacts or decrees, or difficulties fulfilling the provisions of other formal state contracts and agreements, such money as is specifically appropriated and such funds, fees, donations, gifts, or services or devises or bequests of real or personal property received by the Department of Natural Resources from any federal, state, public, or private source, to be used by the department for the purpose of funding studies as described in this section. The department may use its budget authority to request appropriations specifically for the purpose of funding studies described in this section. The department shall allocate money from the fund for use by the department, by any state agency, board, or commission, or by any political subdivision of the state, by agreement, or by private organizations or firms as may be contracted with by the department. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

46-656.43

Task Force funding provision.

[Editor's note: These changes renumber sections and include any fund created pursuant to Task Force recommendations]

RESTRUCTURE TABLE

	Current Ground Water Management & Protection Act		Proposed Restructured Ground Water Management & Protection Act
Was	46.656.01	Now	46.656.01
Was	46.656.02	Now	46.656.02
Was	46.656.03	Now	46.656.03
Was	46.656.04	Now	46.656.11
Was	46.656.05	Now	46.656.03
Was	46.656.06	Now	46.656.02
Was	46.656.07	Now	46.656.04
Was	46.656.08	Now	46.656.05
Was	46.656.09	Now	46.656.33(a)
Was	46.656.10	Now	46.656.36
Was	46.656.11	Now	46.656.05
Was	46.656.12	Now	46.656.06
Was	46.656.13	Now	46.656.07
Was	46.656.14	Now	46.656.08
Was	46.656.15	Now	46.656.08
Was	46.656.16	Now	46.656.06(c)
Was	46.656.17	Now	Deleted
Was	46.656.18	Now	Deleted
Was	46.656.19	Now	First clause 46.656.09; notice/publication 46.656.33
Was	46.656.20	Now	46.656.09
Was	46.656.21	Now	46.656.33
Was	46.656.22	Now	1 st sentence 46-656.07; 2 nd - 4 th sentence 46.656.09
Was	46.656.23	Now	46.656.35
Was	46.656.24	Now	46.656.32
Was	46.656.25	Now	46.656.29
Was	46.656.26	Now	46.656.30
Was	46.656.27	Now	46.656.31
Was	46.656.28	Now	46.656.10 as recommended by WPTF
Was	46.656.29	Now	46.656.25
Was	46.656.30	Now	46.656.26
Was	46.656.31	Now	46.656.27
Was	46.656.32	Now	46.656.28
Was	46.656.33	Now	46.656.41
Was	46.656.34 (repealed)	Now	Deleted
Was	46.656.35	Now	46.656.12
Was	46.656.36	Now	46.656.13

Was	46.656.37	Now	46.656.14
Was	46.656.38	Now	46.656.15; notice/publication section moved to 46.656.33
Was	46.656.39	Now	46.656.16
Was	46.656.40	Now	46.656.17; notice/publication section moved to 46.656.33
Was	46.656.41	Now	46.656.18
Was	46.656.42	Now	46.656.19
Was	46.656.43	Now	46.656.34
Was	46.656.44	Now	46.656.20
Was	46.656.45	Now	46.656.21
Was	46.656.46	Now	46.656.22
Was	46.656.47	Now	46.656.23
Was	46.656.48	Now	46.656.24
Was	46.656.49	Now	46.656.10 as recommended by WPTF
Was	46.656.50	Now	46.656.10 as recommended by WPTF
Was	46.656.51	Now	46.656.10 as recommended by WPTF
Was	46.656.52	Now	46.656.10 as recommended by WPTF
Was	46.656.53	Now	46.656.10 as recommended by WPTF
Was	46.656.54	Now	46.656.10 as recommended by WPTF
Was	46.656.55	Now	46.656.10 as recommended by WPTF
Was	46.656.56	Now	46.656.10 as recommended by WPTF
Was	46.656.57	Now	46.656.10 as recommended by WPTF
Was	46.656.58	Now	46.656.10 as recommended by WPTF
Was	46.656.59	Now	46.656.10 as recommended by WPTF
Was	46.656.60	Now	46.656.10 as recommended by WPTF
Was	46.656.61	Now	46.656.10 as recommended by WPTF
Was	46.656.62	Now	46.656.10
Was	46.656.63	Now	46.656.37
Was	46.656.64	Now	46.656.38
Was	46.656.65	Now	46.656.39
Was	46.656.66	Now	46.656.40
Was	46.656.67	Now	46.656.42